

ORDINANCE NO. 1545

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIALTO, CALIFORNIA, RENUMBERING CHAPTER 18.71 OF
THE RIALTO MUNICIPAL CODE AS CHAPTER 2.20 AND
CLARIFYING THE ROLE OF AND REGULATIONS
APPLICABLE TO THE HISTORICAL PRESERVATION
COMMISSION

WHEREAS, in 1991 the City of Rialto ("City") enacted Ordinance No. 1143 to add Chapter 18.71 to the Rialto Municipal Code to establish rules and regulations governing the designation, preservation and perpetuation of historical properties; and

WHEREAS, as this historical preservation chapter was added to Chapter 18 of the Rialto Municipal Code, the Zoning Code, the members of the Historical Preservation Board have been the members of the Planning Commission; and

WHEREAS, at this time, the City Council of the City desires to redefine the Historical Preservation Board as a stand-alone commission that reports to the City Council.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO FINDS AND ORDAINS AS FOLLOWS:

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. Chapter 18.71 of the Rialto Municipal Code, "Historical Preservation", is hereby deleted.

Section 3. A new Chapter 2.20, entitled "Historical Preservation Commission", is added to the Rialto Municipal Code to read in full as follows:

"Chapter 2.20 HISTORICAL PRESERVATION COMMISSION"

Sections:

2.20.010 Creation - purpose and intent.

2.20.020 Membership - appointment.

2.20.030 Meetings.

2.20.040 Definitions.

2.20.050 Powers and duties of historic preservation commission.

2.20.060 Nomination and designation program for historic resources.

2.20.070 Certificate of appropriateness and certificate of hardship.

2.20.080 Historical building code.

2.20.090 Conservation easements.

1 **2.20.100 Maintenance and repair.**

2 **2.20.010 Creation - purpose and intent.**

3 The city finds, determines and declares:

- 4 A. That the State Legislature of California, pursuant to Government Code Section 37361,
5 has recognized the value of identifying protecting and preserving places buildings,
6 structures and other objects of historical, aesthetic and cultural importance and has
7 empowered cities to adopt regulations and incentives for the protection, enhancement,
8 perpetuation and use of such places, buildings, structures and other objects.
- 9 B. That the city possesses many distinctive places, structures, neighborhoods, and urban
10 design features (all herein referred to as “resources”) that enhance its value as an
11 attractive and delightful community in which to live and work.
- 12 C. That certain of these resources are of cultural, aesthetic or historical significance and
13 value because of age, architectural style, aesthetic appeal or association with local
14 history.
- 15 D. That by preserving these resources Rialto shall contribute to the livability and beauty
16 of the community, stimulate economic revitalization, improve property values in the
17 city, foster architectural creativity, increase neighborhood stability and conservation,
18 foster public appreciation of and civic pride in the beauty of the city and the
19 accomplishments of its past, reinforce the distinctive character of the community, add
20 to the community’s understanding of its history and connection with the life and
21 values of the past, and ensure that Rialto’s cultural, historical and architectural
22 heritage will be imparted to future generations.
- 23 E. That shifts in population and in the economy changes in the way people live and
24 changes in land use threaten to destroy these irreplaceable and desirable resources.
25 Construction and alterations of inferior quality and appearance are also a threat to
26 these resources.
- 27 F. That the adoption of reasonable and fair regulations is necessary as a means of
28 recognition, documentation, preservation and maintenance of resources of cultural,
29 aesthetic, or historical significance. Such regulation serves as a means to integrate the
30 preservation of resources and the extraction of relevant data from such resources into
31 public and private land management and development process, and to identify as early
32 as possible and resolve conflicts between the preservation of cultural resources and
33 alternative land uses. This chapter is intended to carry out the goals and policies of the
34 Rialto general plan.

35 **2.20.020 Membership - appointment.**

36 The Rialto historic preservation commission consists of five members who are appointed by
37 the mayor with the approval of the city council. This commission is authorized to make
38 recommendations, decisions and determinations concerning the designation, preservation,
39 protection, enhancement, and perpetuation of these historical, and cultural resources which
40 contribute to the culture and aesthetic values of the city.

(Original printed on acid-free paper)

1 **2.20.030 Meetings.**

2 The historic preservation commission shall hold at least one regular meeting in each quarter.
3 Additional meetings may be called by the chair with the consent of the commission.

4 **2.20.040 Definitions.**

5 For the purposes of this chapter, the following words and phrases shall have the meanings
6 ascribed to them by this section:

- 7 A. "Alteration" means any exterior change or modification, through public or
8 private action, of any historic resource or of any property located within a
9 historic district. This shall include, but not be limited to, exterior modifications
10 to the structure, architectural details or visual characteristics such as paint color
11 and surface texture of the structure, grading, or surface paving, addition of new
structures, cutting or removal of trees and other natural features, or disturbance
of archeological sites or areas.
- 12 B. "Adaptive re-use" means converting a building to a use other than that for
13 which it was designed.
- 14 C. "Applicant" is any person who applies for designation of a nominated resource
15 or for certificate of appropriateness or certificate of hardship.
- 16 D. "Archeology" means the study of ancient peoples and customs as shown by
17 monuments, sites, implements, inscriptions, and relics.
- 18 E. "Certificate of appropriateness" means the permit granted after review of the
19 plans or specifications by the historic preservation commission to alter,
20 demolish or move a historic resource, or for new construction on the site of a
21 historic resource or within the boundaries of a historic district.
- 22 F. "Certificate of economic hardship" is a permit to alter, move, demolish or
23 subdivide a historic resource granted by the historic preservation commission
because of extreme financial privation or adversity and in accordance with the
24 procedure and findings in this chapter.
- 25 G. "Chief building official" means the chief building official of the building
26 division of the department of development services.
- 27 H. "City landmark" means a building, site or area with exceptional importance or
28 character or exceptional historical or aesthetic interest or value as part of the
development, heritage or cultural characteristics of the city, state or nation.
- I. "Commission" refers the historic preservation commission.
- J. "Day" means a calendar day including all weekend days and holidays.

- 1 K. "Demolition" means the act or process that destroys, in part or in whole a
2 cultural resource, including natural features, trees, agricultural areas, as well as
3 exterior architectural features.
- 4 L. "Design guidelines" are principles contained in a document which illustrate
5 appropriate methods of rehabilitation and construction of historic resources. The
6 purpose of using design guidelines is to help decision-making with regard to
7 retaining the scale, pattern and historical character of a structure or district. The
8 design guidelines will be titled "City of Rialto Historic Preservation Design
9 Manual."
- 10 M. "Designation" means the act of selecting in accordance with the criteria in this
11 chapter a historic site or district for official city landmark status by the historic
12 preservation commission and city council.
- 13 N. "Historic district" means a significant neighborhood or an enclave or collection
14 of historical buildings, the majority of which are fifty years or older, that may
15 have been part of one settlement, architectural period or era of development.
- 16 O. "Historic district" refers to areas, districts, streets, places, buildings, structures,
17 outdoor works of art, natural or agricultural features, and other objects that have
18 or may have special historical, cultural, archaeological, architectural,
19 community or aesthetic value.
- 20 P. "Improvement means any building structure, place parking facility fence, gate,
21 wall, work of art or other object constituting a physical betterment of real
22 property, or any part of such betterment.
- 23 Q. "Intrusion" means any building or structure that does not fit into and detracts
24 from a historic area because of inappropriate scale, materials, landscaping, age
25 or other such characteristics.
- 26 R. "Minor improvement" means changes to landscaping; repairs, replacements or
27 construction of new fences, repainting of buildings, replacing roofing without
28 change in material replacing of siding without change of material; interior
remodeling; construction of accessory buildings (does not include demolition)
including garages, tool sheds, cabanas; addition of mechanical equipment;
construction of accessory structures including patio covers, planters, patios
swimming pools, spas, fountains, and other minor changes similar to those
listed herein under minor improvement.
- S. "Nominated resources" are those structures, buildings, places, urban design
features and other objects that have been identified in a survey prepared by the
commission.
- T. "Object" means a material thing of functional, aesthetic, cultural, symbolic or
scientific value; and the object, usually by design or nature, is considered
movable.
- U. "Preservation officer" means the director of development services or his/her
designee who will serve as staff to the historic preservation commission, and

coordinate Rialto's historic preservation programs. The director of development services or his/her designee, may, from time to time, delegate duties as authorized by the city administrator.

V. "Register of local landmarks" means the official city list of all designated local landmarks.

W. "Survey" refers to the accepted method of systematically studying historic resources. It includes a physical description and a photograph of each historic resource, legal information from title or assessment records, statements of significance according to the criteria in this chapter, and a statement of any threat to the integrity or continued existence of the resource. The information for each resource is recorded on a survey sheet.

2.20.050 Powers and duties of historic preservation commission.

The powers and duties of the historic preservation commission are as follows:

- A. Appoint the Rialto historical society to serve in an "ad hoc" advisory capacity to the historic preservation commission on all matters regarding the application of this chapter. The Rialto historical society commission will select and appoint members from the society having appropriate expertise with historic preservation matters, as well as this chapter, to serve as liaison to the historical preservation commission.
- B. Cause to be created a document called "City of Rialto Historic Preservation Design Manual" which will serve as design guidelines for any improvement of a designated resource.
- C. Recommend, in accordance with the criteria set forth in Section 2.20.060, the designation of landmarks, and historic districts to the city council.
- D. Compile and maintain a list of nominated resources and a current local register of all properties designated as local landmark resources. This list of nominated resources is to be publicized and updated biennially.
- E. Approve, approve conditionally, or deny applications for certificates of appropriateness and certificates of hardship for designated or nominated resources pursuant to Section 2.20.070.
- F. Review for appropriateness proposed general plan and zoning text and map changes, specific plans, municipal improvements, and housing and redevelopment plans that have bearing on the protection, maintenance and enhancement of designated or nominated resources.
- G. Endeavor to promote public interest in and understanding of historic, cultural and aesthetic resources and their preservation.
- H. Consult with and advise public officials and agencies; civic, educational, professional and other agencies; and with citizens generally in relation to the preservation of these resources and to serve as liaison with the city.

- I. Undertake education programs and activities in order to teach community members methods to maintain and rehabilitate Rialto's historic resources.
- J. Advise the city council regarding conservation easements, other less-than-fee interest in property, and the purchase of fee interest in property for purposes of historic preservation, and development agreements of the purpose of preservation of resources.
- K. Seek out information and advise the city council regarding the availability and utilization of gifts or special funds from federal, state and private sources.
- L. Make recommendations to the city council in order to provide technical expertise necessary to carry on the functions of the commission.
- M. From time to time, to issue commendations to owners of historic resources who have rehabilitated their property in an exemplary manner.
- N. Ensure that historic preservation is coordinated with other city activities.
- O. Acquire conservation easements and monitor them.
- P. Preserve, restore, maintain and operate historic properties under the ownership or control of the city as approved by city council.
- Q. Recommend to the city council to hire staff, retain consultants and conduct studies, as the commission deems desirable or necessary.
- R. Contract, with prior approval of the city council, with county, state or federal government, or any agency or subdivision of the governments, or with any other organization.
- S. Perform any other functions that may be designated by resolution or motion by city council.
- T. Notwithstanding duties delegated to the commission to designate historical buildings, places, etc., the director of development services or his/her designee, is authorized, on an emergency basis, to designate same as having a historic value to be preserved. This action by the director of development services or his/her designee shall be of no further effect unless sustained by a majority vote by the commission within sixty days or by the city council in the commission's absence.

2.20.060 Nomination and designation program for historic resources.

The commission shall undertake to establish and maintain a list of nominated resources that have been identified during the survey. An individual who presents documentation equal to that collected in the survey may request that a resource be placed on the list. This list may include single structures or site, portions of structures, urban design features, man-made or natural landscape elements, or works of art. Districts may not be placed on the list. A nominated resource may be designated a landmark and a district may be designated a historic

1 district by the city council after public hearings and a recommendation by the historic
2 preservation commission.

3 A. Any one of the following findings may be used to determine a local landmark
4 designation.

- 5 1. It has character, interest or value as part of the development, heritage,
6 or cultural characteristics of the city, state of California or the United
7 States.
- 8 2. It is the site of a documented historic event.
- 9 3. It is strongly identified with a person or person who significantly
10 contributed to the culture, history or development of the city.
- 11 4. It is one of the few remaining examples in the city possessing
12 distinguishing characteristics of an architectural type or specimen.
- 13 5. It is notable work of an architect or master builder.
- 14 6. It embodies elements of architectural design, detail, materials or
15 craftsmanship.
- 16 7. It has be unique location or singular physical characteristics
17 representing an established and familiar visual feature in the city.
- 18 8. It has unique design or detailing.
- 19 9. It is a particularly good example of a period or style.
- 20 10. It is located within a historic district, contributes to the overall feeling
21 of the district, and which individually may lack significance.

22 B. Designation of historic resources and designation of districts shall take place in
23 accordance with the procedures in this section.

- 24 1. No nominated resource shall be altered, moved, demolished,
25 subdivided or otherwise permanently changed until eligibility for
26 designation has been determined or the designation process has been
27 initiated in accordance with this section and a certificate of
28 appropriateness, if applicable, has been secured.
2. Any person or group may request the designation of a historic resource,
or ten percent of the property owners in a potential district may request
the designation of a historic district by submitting an application for
such designation to the commission on forms prescribed by the
commission. The commission or city council may also initiate such
proceedings on their own motion.
3. The commission shall have staff prepare a written report regarding the
proposed designation including a physical description of the resource,
reasons for its significance, criteria used to determine eligibility, and
other appropriate data.
4. The commission shall schedule a public hearing as soon as feasible but
not less than twenty-one days after the filing of the application. Notice
shall be published in a newspaper of general circulation in Rialto not

1 less than ten days before the date set for the commission hearing. The
2 notice shall be filed with the city clerk and mailed to the applicant and
3 owner.

4 5. The notice shall include the date, place time and purpose of the hearing
5 and shall a given by first class mail to the applicants, owners or
6 occupants of the improvement at least ten days prior to the date of the
7 public hearing, using the name and address of such owners as shown on
8 the latest equalized assessment rolls.

9 6. In the case of a proposed historic district, notice of the date, place, time
10 and purpose of the hearing shall be given by first class mail to the
11 applicant and owners of all properties within the proposed district at
12 least ten days prior to the date of the public hearing, using the name and
13 address of such owners as shown on the latest equalized assessment
14 rolls, and shall be advertised in a newspaper of general circulation in
15 Rialto.

16 7. At the conclusion of the public hearing for the designation of a local
17 landmark or historic district, the commission shall recommend to the
18 city council either approval, in whole in part, or disapproval, in whole
19 or in part, of the proposed designation stating the findings of fact and
20 the reasons for its recommendation based on the report and information
21 brought out at the public hearing. This shall in no event occur more
22 than thirty days from the date of the conclusion of the public hearing
23 process.

24 8. Following receipt of such report, the city council shall within forty-five
25 days consider, at a noticed public hearing, the designation of each
26 property recommended for designation by the commission. Designation
27 of historic resources and districts shall be by resolution of the city
28 council.

9. Following such designation by the city council, the city clerk shall
within thirty days cause to be recorded in the office of the county
recorder notice that such property has been designated and placed on
the city's register of local landmarks. Following the recordation of such
notice, such property shall be subject to all the provisions of the Rialto
historic preservation ordinance. If the city council decides not to
designate a property, it may review the proposed designation again
after one year, or sooner if there is substantial additional information or
changes in the application.

10. The amendment or rescission of any designation shall be in the same
manner and procedures as was followed in the original designation.

11. Failure to send any notice by mail to any property owner where the
address of such owner is not a matter of public record shall not
invalidate any proceedings in connection with the proposed
designation.

- 1 C. Following designation, the provisions of Rialto's design guidelines shall apply
2 to landmarks, and historic districts. The design guidelines shall contain
3 approved recommendations for making exterior changes to local landmarks.
4 Thereafter, any alteration, improvement, land division, change of use,
5 demolition or moving of any historic resource or sign associated with a historic
6 resource shall be subject to the review of the city in accordance with this
7 chapter.

8
9 2.20.070 Certificate of appropriateness and certificate of hardship.

- 10 A. Certificate of appropriateness for alterations, new construction, land divisions,
11 changes of use and signs.

- 12 1. A certificate of appropriateness issued by the commission, the
13 preservation officer or his/her designee, is required for any exterior
14 alterations or additions to any designated historic resource, for new
15 construction on the site of a designated historic resource for any change
16 of use, and for a lot split or subdivision of a historic resource. A
17 certificate of appropriateness shall be required to erect, alter or relocate
18 any sign which is in a designated district or associated with a designated
19 structure. New construction in a historic district shall also require a
20 certificate of appropriateness. The chief building official shall direct
21 applicants for building permits and sign permits for designated
22 landmarks and nominated resources to apply for a certificate of
23 appropriateness from the commission through the preservation officer or
24 his/her designee. A nominated resource need not be designated before a
25 certificate of appropriateness can be granted. No building, alteration
26 land division, demolition, change of use, or removal permits for any
27 exterior improvement, sign, building or structure within a proposed
28 district or relative to a nominated resource shall be issued while the
public hearing for designation or any appeal related thereto is pending
except where a certificate of appropriateness has been secured.

2. Applicants are encouraged first to consult with the planning division
staff about using the design guidelines before submitting a formal
application. Any application for a certificate of appropriateness shall be
made on a form prescribed by the preservation officer or his/her
designee and shall be accompanied by a fee set by resolution of the city
council. The application shall include the information required by the
preservation officer or his/her designee, including but not limited to
elevation drawings of the proposed alterations samples or proposed
colors and materials, plan view for new construction, and color
photographs of all sides of any existing structures on the site.

- 1 3. The preservation officer or his/her designee, shall use the design
2 guidelines to determine if the proposal is compatible with the existing
3 resource and surrounding resources. All requests for new construction,
4 subdivision, lot splits, change of use, demolitions or moving of a historic
5 resource shall be considered major. Applications for a certificate of
6 appropriateness for major alterations shall be reviewed by the
7 commission.
- 8 4. A certificate of appropriateness for minor improvement where proposed
9 work does not adversely affect the exterior architectural features of the
10 historic resource nor adversely affect the character of historical,
11 architectural or aesthetic interest or value of the resource and its site,
12 may be approved by the preservation officer or his/her designee. The
13 minor improvements, subject to the prior concerns, are as follows:
14 a. Changes to landscaping;
15 b. Repairs, replacements or construction of new fences;
16 c. Repainting of buildings;
17 d. Replacing roofing without change in material;
18 e. Replacing of siding without change of material;
19 f. Interior remodeling;
20 g. Construction of accessory buildings (does not include
21 demolition) including garages, tool sheds, cabanas;
22 h. Addition of mechanical equipment;
23 i. Construction of accessory structures including patio covers
24 planters, patios, swimming pools, spas, fountains;
25 j. Minor changes of nature similar to those listed in subdivisions in
26 this subsection.
- 27 5. Any person aggrieved by the denial of a certificate of appropriateness
28 for a minor improvement may appeal such denial to the historic
 preservation commission. A written appeal accompanied by any
 required appeal fee shall be submitted to the planning division within
 fifteen calendar days after denial of the application for certificate of
 appropriateness by the preservation officer or his/her designee. The
 appeal shall be heard by the historic preservation commission. Upon
 receipt of the appeal, the action of the preservation officer or his/her
 designee shall forthwith be void and of no force or effect. No permit
 shall be issued until the outcome of the appeal is determined by the
 commission.
6. The commission shall hold a public hearing on all applications for
 certificates of appropriateness referred to it after notice is given in the
 same manner as set forth in Section 2.20.060(B)(4) and (5).
7. Using the Rialto design guidelines the survey, the designation report,
 and the preservation officer's report, the commission shall review any

1 major alterations, appeals of staff determinations, land divisions, change
2 of use, and new construction within historic districts and make a
3 determination with due speed to approve, approve conditionally, or deny
4 the certificate of appropriateness. Approval requires a finding that the
5 action proposed is consistent with this chapter and will not be
6 detrimental to the historic resource, or that the action is necessary to
7 correct an unsafe or dangerous condition pursuant to Section
8 2.20.100(A). In case of hardship, the applicant may apply for a
9 certificate of hardship pursuant of subsection of this section.

10 8. A report of the action taken or determination made shall be forwarded to
11 the city council, and a copy of the decision sent to the applicant by mail
12 and, if appropriate, to the city departments responsible for issuing
13 necessary permits. The commission's decision shall be in writing and
14 shall state the findings of fact and reasons relied upon in reaching its
15 decision.

16 9. After the commission's approval the chief building official shall issue
17 the permit applied for provided that all requirements of city and state
18 codes, including the historical building code, are met. If the commission
19 fails to consider an application for a certificate of appropriateness with
20 sixty days of the date of submission of the application, the chief building
21 official shall issue the building permit. Any person not satisfied with a
22 determination by the historical preservation commission may appeal to
23 the city council. Such appeal shall be filed within fifteen days from the
24 date of a commission decision on an application. Such appeal shall be
25 submitted in writing together with any required appeal fee to the office
26 of the director of development services. No permit shall be issued until
27 the outcome of the appeal is determined by the city council.

28 10. After the permit has been issued, the preservation officer or his/her
designee shall, from time to time, inspect the work approved by the
commission in order to assure compliance. If the work is not being
performed in accordance with the certificate of appropriateness, a stop
work order shall be issued by the chief building official and all work
shall cease.

11. A certificate of appropriateness shall become null and void unless
construction is commenced within eighteen months of the date of
issuance. Certificates of appropriateness may be renewed for a thirty-six
month period by applying to the preservation officer or his/her designee.
If the project is not completed within thirty-six months after the
expiration of the last building permit, a new certificate of
appropriateness shall be required to complete work.

12. Any change in the scope of the work is determined by the preservation
officer or his/her designee to be a major alteration which occurs
subsequent to the issuance of a certificate of appropriateness shall

1 require issuance of a new certificate of appropriateness. Certificates of
2 appropriateness for minor alterations shall be issued at the discretion of
3 the preservation officer or his/her designee upon the request of the
4 applicant.

5 B. A certificate of appropriateness for moving of a nominated resource shall be
6 granted if the applicant produces evidence to the satisfaction of the
7 commission that the following findings may be made:

- 8 1. The moving will not have significant effect on the applicable goals and
9 objectives of Rialto's general plan and on the implementation of this
10 chapter.
- 11 2. The structure in its original setting is not of such interest or quality that
12 it would reasonably meet federal or state criteria of designation as a
13 historic landmark and thus should be retained in that setting.

14 C. A certificate of appropriateness for demolition of a designated structure shall
15 be granted if the applicant produces evidence to the satisfaction of the
16 commission that the following findings may be made:

- 17 1. The demolition will not have a significant effect on the applicable goals
18 and objectives of Rialto's general plan and on the implementation of
19 this chapter.
- 20 2. The structure is not of such unusual design, texture or materials that it
21 could not be reproduced or could be reproduced only with great
22 difficulty and expense.
- 23 3. The structure does not meet federal or state criteria for designation as a
24 historic landmark.
- 25 4. Conversion to a new use (adaptive re-use) permitted by right under
26 current zoning, rehabilitation, or some other alternatives for preserving
27 the structure is not economically feasible. A delay of up to one hundred
28 eighty days may be permitted to determine the feasibility of
alternatives. During this time the commission may consult with civic
groups, public agencies and interested citizens.

D. A certificate of appropriateness for a new structure within a historic or urban
conservation district shall take effect upon approval of the precise plan of
design by the development review committee. Existing structures identified as
intrusions into historic or urban conservation districts do not need a certificate
of appropriateness for demolition or moving.

E. A certificate of hardship permitting demolition, moving, a land division, new
construction or alteration may be granted by the commission at the tune of
consideration of the certificate of appropriateness only if the owner(s) of the
designated property in question can produce evidence to show that:

1. Reasonable use or return on the property is not possible under the conditions of the certificate of appropriateness; and

Alternative plans which would be in keeping with the interest of this chapter are not feasible.

The commission may delay the decision on granting the certificate of hardship for a period not to exceed ninety days to investigate plans to allow for a reasonable use of or return from the property or other measures to preserve the property, including selling the property to an individual or group that would preserve it. The commission shall review the evidence and make a written finding, stating the facts and reasons behind the decision. The applicant shall be notified by mail of the acceptance or denial of the certificate of hardship.

2.20.080 Historical building code.

Alternative building regulations may be used for the rehabilitation, preservation, restoration, or relocation of nominated resources. The State Historical Building Code (part 8 of Title 24 of the California Administrative Code) shall be used for any historic resource through the city's building permit procedure.

2.20.090 Conservation easements.

Conservation easements on the facades of buildings designated as historic resource may be acquired by the city or non-profit group through purchase, donation or condemnation pursuant to California Civil Code 815.

2.20.100 Maintenance and repair.

A. This chapter shall not be construed to prevent the ordinary maintenance or repair of exterior architectural features, walls, landscapes, etc. in or on any designate property that does not involve a change in design, materials, or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the chief building official certifies to the historic preservation commission that such action is required for the public safety due to unsafe or dangerous conditions which cannot be rectified through the use of the State Historical Building Code.

B. It shall be the responsibility of the owner of a designated resource to maintain in good repair the building, walls and landscaping in order to prevent deterioration of exterior architectural and scenic features. In order to prevent demolition by neglect, the city may repair a historic resource and treat the cost of repairs as a lien against the property.

C. All such unsafe buildings, structures or appendages are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures, as may have been or as may be adopted by this jurisdiction. As an alternative, the chief building official or other employee, or official of this jurisdiction

as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.”

Section 4. The City Clerk shall certify to the adoption of this Ordinance, and cause the same to be published one in the local newspaper, and the same shall take effect thirty (30) days after its date of adoption:

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this 24th day of June, 2014.


DEBORAH ROBERTSON, Mayor

ATTEST:


BARBARA MCGEE, City Clerk

APPROVED AS TO FORM


FRED GALANTE, City Attorney

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. 1545 was duly passed and adopted at a regular meeting of the City Council of the City
6 of Rialto held on the 24th day of June, 2014.

7 Upon motion of Councilmember Hirtz, seconded by Councilmember Baca Jr., the foregoing
8 Ordinance No. 1545 was duly passed and adopted.

9 Vote on the Motion:

10 AYES: Mayor Robertson, Council Members: Palmer, Baca Jr., O'Connell, Hirtz

11 NOES: None

12 ABSENT: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto, this 25th day of June, 2014.

15 
16 Barbara A. McGee, City Clerk